

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BURNS DISTRICT OFFICE

**CATEGORICAL EXCLUSION ENVIRONMENTAL REVIEW AND APPROVAL**

**CX Number:** DOI-BLM-OR-B070-2011-0031-CX

**Date:** 5-10-2011

**File Code (Project/Serial Number):**

**Preparer:** Autumn Toelle, Rangeland Management Specialist

**Applicant:** Kiger Ranch, Inc.

**Title of Proposed Action:** Chimney Road Maintenance

**Description of Proposed Action and Project Design Elements:**

The purpose of the proposed action is to allow maintenance to occur on open roads throughout the Chimney Allotment, in order to maintain them in a condition that continues to allow safe passage of vehicles across BLM-managed lands. Within the allotment, there are 27.7 miles of open BLM roads.

Of the 27.7 miles, 9.3 miles are Kiger Ridge Road (5.8 miles of which are in the Steens Mountain Cooperative Management and Protection Area (CMPA)) and 3.0 mile are Moon Hill Road (all within the CMPA), both of which have been classified as Maintenance Level 3 roads in the August 2005 Steens Mountain Cooperative Management and Protection Area (CMPA) Record of Decision (ROD) and Resource Management Plan (RMP) (RMP-62) (Map 13). Maintenance Level 3 roads are defined in Appendix-M of the RMP as being "roads open seasonally or year-round," which "have a defined cross section with drainage structures such as rolling dips, culverts or ditches and may normally be negotiated by passenger cars driven cautiously. At a minimum drainage structures will be inspected annually and maintained as needed. Grading will be conducted to provide a reasonable level of riding comfort at prudent speeds for the road conditions. Brushing will be conducted to provide a reasonable level of riding comfort at prudent speeds for the road conditions. Brushing will be conducted as needed to improve sight distance. Slides adversely affecting drainage will receive high priority for removal and other slides will be removed on a scheduled basis" (M-2).

The remaining 15.4 miles are assigned a Maintenance Level 2, which is defined as "roads open seasonally or year-round" which "are passible by high clearance vehicles and are maintained, as needed...At a minimum, drainage structures will be inspected within a 3-year period and maintained as needed. Grading will be conducted as necessary to correct drainage problems. Brushing will be conducted as needed and slides may be left in place provided they do not adversely affect drainage" (M-2).

Due to wet winter and spring conditions, maintenance on these roads is needed to ensure access to private inholdings, as well as to important range developments such as wells, pipelines, troughs, reservoirs, waterholes, dugout, and fencelines. These roads are also needed for administrative purposes, such as monitoring, use supervision, weed management activities, and wildland firefighting; they may also be used for recreational purposes.

The roads would be graded and ditches cleaned, as needed to prevent accelerated erosion and to facilitate access. Brushing would occur as needed and may include the removal of tree limbs or the cutting of trees to prevent damage to vehicles and allow clear passage on the road. Maintenance would occur within the original footprint of the road. A cooperative agreement would be established between the BLM and the applicant, where the applicant would supply equipment and labor to maintain the road, and BLM would oversee the work. This CX does not cover road construction or road upgrading activities. No road maintenance, other than by the passage of vehicles, will be allowed on the 4.8 miles of open ways within the High Steens Wilderness Study Area. All LUPs and other relevant decisions and guidance MUST be adhered to as part of these activities.

All equipment will be cleaned prior to beginning work on roads to minimize opportunities for spread of weeds. Maintenance work would be completed only when the road is dry, and only within the existing roadbed.

**Legal Description** (See attached Location Map):

Within the Steens Mountain Cooperative Management and Protection Area (13.9 miles): T. 31 S., R.33E., sec. 5, 8, 20, 21, 27, 28, 33, 34; T.32 S., R.33E., sec. 3, 4, 9, 10, 19, 20, 21, 30, 31; T.32.5S., R. 33E., sec. 20, 34

Within the Andrews Management Unit (13.8): T.30 S., R.32 E., sec. 01, 12; T.30 S., R.33 E., sec. 6,7,8,9,16, 17, 21, 27, 28, 34; T. 31 S., R.33E., sec.15

**B. Conformance with Land Use Plan (LUP) (name):** Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan; Andrews Management Unit Record of Decision and Resource Management Plan

**Date Approved/Amended:** August 2005

The proposed action is in conformance with the applicable LUP, even though the entire proposed action is not specifically provided for, because it is clearly consistent with the following LUP decision(s):

Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan, August 2005: Record of Decision ROD-10, Plan Implementation Process – Operation and Maintenance Actions RMP-15, Transportation and Roads RMP-61 through RMP-63, Appendix B-Best Management Practices: Road Design and Maintenance B-1 through B-3, Appendix M-Transportation Plan M-1 through M-5. Andrews Management Unit Record of Decision and Resource Management Plan, August 2005: Plan Implementation Process – Operation and Maintenance Actions RMP-15; Transportation and Roads RMP-65

BLM Categorical Exclusion Reference (516 DM, Chapter 11): N/A

DOI Categorical Exclusion Reference (516 DM 2, Appendix 1): 1.7 “Routine and continuing government business, including...maintenance...and replacement activities...”

Screening for Exceptions: The following extraordinary circumstances (516 DM 2, Appendix 2) may apply to individual actions within the categorical exceptions. The indicated specialist recommends the proposed action does *not*:

CATEGORICAL EXCLUSION EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION	
2.1	Have significant impacts on public health or safety.
Specialist (Print Name and Title):	John Petty, Safety Officer
Signature and Date:	<i>[Signature]</i> 5/25/11
Rationale:	No significant impacts on public health or safety.
2.2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); flood plains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<u>Migratory Birds</u>	
Specialist (Print Name and Title):	Matt Obradevich, Wildlife Biologist
Signature and Date:	<i>[Signature]</i> 05/25/2011
Rationale:	Maintenance work would be limited to previously disturbed areas (existing road), and occur over a relatively short period (less than a week). Birds in the immediate vicinity of the road may flush as equipment passes, but effects would be temporary and birds would likely return as soon as maintenance ceases. Some vegetation growing into the road from the edge may be bladed, but the total area potentially directly impacted would be less than half an acre. Birds may forage in the road or along the edges of the road, but are unlikely to nest in this area. Therefore there would be no impacts to migratory birds.
<u>Historic and Cultural Resources</u>	
Specialist (Print Name and Title):	Scott Thomas, District Archeologist
Signature and Date:	<i>[Signature]</i> 5/26/11
Rationale:	No cultural or historic resources will be affected by this project.
<u>Areas of Critical Environmental Concern/Research Natural Areas</u>	
Specialist (Print Name and Title):	Caryn Meinicke, Natural Resource Specialist (Botany)
Signature and Date:	<i>[Signature]</i> 5-27-11
Rationale:	There are no ACECs or RNAs within the project area, no impacts to ACECs or RNAs will occur.
<u>Water Resources/Flood Plains</u>	
Specialist (Print Name and Title):	Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries)
Signature and Date:	<i>[Signature]</i> 26 MAY 2011
Rationale:	All activities would occur within the existing road bed.
<u>Soils, Biological Soil Crust, Prime Farmlands</u>	
Specialist (Print Name and Title):	Caryn Meinicke, Natural Resource Specialist (Botany)
Signature and Date:	<i>[Signature]</i> 5-27-11
Rationale:	All activities would occur within the existing road bed; therefore no significant impacts to these resources will occur as a result of this proposal. There are no prime farmlands within the proposed project area.
<u>Recreation/ Visual Resources</u>	
Specialist (Print Name and Title):	Mike Kelly, Outdoor Recreation Specialist
Signature and Date:	<i>[Signature]</i> 5-26-2011
Rationale:	All activities would occur within the existing road bed which is an existing feature of the landscape. There would be no effects to recreation and visual resources under this proposed action.
<u>Wilderness/Wild and Scenic River Resources</u>	
Specialist (Print Name and Title):	Eric Haakenson, Outdoor Recreation Specialist
Signature and Date:	<i>[Signature]</i> 05/25/2011
Rationale:	The proposed project is not in a Wilderness, Wilderness Study Area, and there are no Wild and Scenic Rivers in the project area.

2.3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: There are no known highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources. The road is an existing feature on the landscape.	
2.4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: There are no known highly uncertain or potentially significant environmental effects or unique or unknown environmental risks. The road is an existing feature on the landscape.	
2.5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: Implementation of the proposal would not set a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects. The road is an existing feature on the landscape.	
2.6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: There are no known individually insignificant but cumulatively significant environmental effects. The road is an existing feature on the landscape.	
2.7	Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
Specialist (Print Name and Title): Scott Thomas, District Archeologist	
Signature and Date: <i>Scott Thomas</i> 5/26/11	
Rationale: No National Register (NR) eligible or listed properties would be affected by the proposed maintenance project.	
2.8	Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
<u>Endangered or Threatened Species-Fauna</u>	
Specialist (Print Name and Title): Matt Obradovich, Wildlife Biologist	
Signature and Date: <i>Matt Obradovich</i> 05/25/2011	
Rationale: There are no federally listed endangered, threatened or proposed to be listed species or Designated Critical Habitat in the project area, so there would be no affect from the road maintenance activity.	
<u>Endangered or Threatened Species-Aquatic</u>	
Specialist (Print Name and Title): Daryl Bingham, Natural Resource Specialists (Riparian and Fisheries)	
Signature and Date: <i>Daryl Bingham</i> 26 MAY 2011	
Rationale: No T&E Aquatic or Critical habitat would be affected by the proposed action.	
<u>Endangered or Threatened Species-Flora</u>	
Specialist (Print Name and Title): Caryn Meinicke, Natural Resource Specialist	
Signature and Date: <i>Caryn Meinicke</i> 5-27-11	
Rationale: No federally listed threatened or endangered species of flora, or Critical Habitat, are in or near the project area.	
2.9	Violate a Federal law, of a State, local, or tribal law or requirement imposed for the protection of the environment.
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: No known laws or requirements for protection of the environment would be violated.	
2.10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator	
Signature and Date: <i>Rhonda Karges</i> 6/11/11	
Rationale: Implementation of the proposal would not result in a disproportionately adverse effect on minority or economically disadvantaged populations as such populations do not occur in or near the project area.	
2.11	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
Specialist (Print Name and Title): Scott Thomas, District Archeologist	
Signature and Date: <i>Scott Thomas</i> 5/26/11	
Rationale: No sacred sites or access to sacred sites will be affected by this proposed action.	

**2.12** Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Specialist (Print Name and Title): Lesley Richman, Natural Resource Specialist (Weeds)

Signature and Date: *Lesley Richman 5/27/2011*

Rationale: Noxious weeds are known to be present in and in close proximity to the project area. Some level of treatment is ongoing. Landscape-scale treatments have not been conducted due to the current herbicide limitations for Oregon BLM. Cleaning equipment prior to road maintenance activities will help reduce new weed introductions. Aggressive weed monitoring and treatment should follow any road maintenance work as there is a seed source for new introductions close by and the disturbance caused by the road work will create opportunities for weeds to establish.

Additional review (As determined by the Authorized Officer):

RMP conformance and CX review confirmation:

Specialist (Print Name and Title): Rhonda Karges, District Planning and Environmental Coordinator

Signature:

*Rhonda Karges*

Date:

*6/1/11*

**Management Determination:** Based upon review of this proposal, I have determined the Proposed Action is in conformance with the LUP, qualifies as a categorical exclusion and does not require further NEPA analysis.

Authorized Officer (Print Name and Title): Joan Suther, Andrews Field Manager

Signature:

*Joan Suther*

Date:

*6/1/11*

**Note:** For the roads within the CMPA, maintenance falls under the 2005 Record of Decision from the Steens Mountain Cooperative Management and Protection Area Resource Management Plan. Therefore, no new decision is required for the maintenance of these roads. The decision below applies only to the roads within the Andrews Management Unit (outside the CMPA boundary but within the Andrews Resource Area).

**Decision:** It is my decision to implement the Proposed Action with Project Design Elements as described above.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

**Request for Stay**

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer.

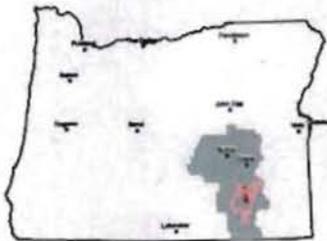
*Joan Suther*  
Title and Signature of Authorized Officer

*6/1/11*  
Date

# Chimney Allotment #6033 Road Maintenance Map

## Legend

- Allotment
- Pastures
- Perennial Streams
- Intermittent Streams
- DRIFT FENCE
- FENCE
- PIPELINE
- CATTLE GUARD
- DUGOUT
- RESERVOIR
- TROUGH
- WATERHOLE
- WELL
- Paved Road
- Non-Paved Improved Road
- Natural/Unknown Road Surface
- Roads to be Maintained
- Open Ways
- BLM Wilderness Study Area
- Steens Mtn Wilderness
- Bureau of Land Management
- U.S. Fish and Wildlife Service
- State
- Private/Unknown
- Steens CMPA Boundary



Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.

U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District, Oregon

\\blm\corporate\chm\Road Maintenance CM Map.mxd  
May 13, 2011

